

To: Montgomery, Michael[Montgomery.Michael@epa.gov]
Cc: Albright, David[Albright.David@epa.gov]
From: Diamond, Jane
Sent: Mon 4/13/2015 4:09:16 PM
Subject: Fwd: Calif. issues emergency rules for wastewater injection

Did you also tell me they notified each of the affected operators?

Jane Diamond
Water Director
U.S. Environmental Protection Agency
Region 9, San Francisco
415-947-8707

Begin forwarded message:

From: "Diamond, Jane" <Diamond.Jane@epa.gov>
Date: April 13, 2015 at 9:06:41 AM PDT
To: "Walsh, Ed" <Walsh.Ed@epa.gov>
Cc: "Strauss, Alexis" <Strauss.Alexis@epa.gov>, "Albright, David" <Albright.David@epa.gov>
Subject: Re: Calif. issues emergency rules for wastewater injection

It was one of the items in our March 9 letter, which we had provided, and we didn't go through the specific items. The state proposed this as faster than doing through individual permit or enforcement actions. Let us know if you want to talk further.

Jane Diamond
Water Director
U.S. Environmental Protection Agency
Region 9, San Francisco
415-947-8707

On Apr 13, 2015, at 9:04 AM, Walsh, Ed <Walsh.Ed@epa.gov> wrote:

I think it was more of a question from Jason along the lines of "why didn't we mention this during the aquifer call" It's the no surprises rule---

I don't think it will get much traction, but will circle back with him to see if he needs anything else.

Thanks

Ed Walsh

Senior Policy Advisor and Liaison to Appropriations Committee

Office of the Chief Financial Officer

USEPA

202-564-4594

From: Strauss, Alexis
Sent: Monday, April 13, 2015 12:00 PM
To: Walsh, Ed
Cc: Albright, David; Diamond, Jane
Subject: RE: Calif. issues emergency rules for wastewater injection

Ed,

Our Water Division director, Jane, and the Water manager in charge of UIC, David Albright, are both very attuned to what is happening in California's implementation of the UIC program. I'm not recalling discussing UIC with him – who was on the call? As there are many facets to EPA's oversight of the CA UIC program, we can elaborate further if you and he wish.

Kind regards,

Alexis

From: Walsh, Ed
Sent: Monday, April 13, 2015 8:47 AM
To: Strauss, Alexis
Subject: FW: Calif. issues emergency rules for wastewater injection

Hi Alexis

I missed this last week and I apologize. Sounds like Jason read this story the day after our call with him on the exempt aquifers....

Any reason why we didn't mention it?

PS.. I went to the P3 sustainability fair with Stan this weekend. There was a group from UC Riverside that was dealing with Nox and another on cleaner Barbeque emissions. I think they are in Calvert's district.. right?

Best

Ed Walsh

Senior Policy Advisor and Liaison to Appropriations Committee

Office of the Chief Financial Officer

USEPA

202-564-4594

From: Gray, Jason [<mailto:Jason.Gray@mail.house.gov>]

Sent: Wednesday, April 08, 2015 9:52 AM

To: Walsh, Ed

Subject: FW: Calif. issues emergency rules for wastewater injection

From: Gray, Jason

Sent: Friday, April 03, 2015 5:07 PM

To: Ed Walsh

Subject: Calif. issues emergency rules for wastewater injection

Did R9 know these new CAMrules were coming out yesterday?

OIL AND GAS: Calif. issues emergency rules for wastewater injection

Debra Kahn, E&E reporter

Published: Friday, April 3, 2015

California regulators yesterday issued emergency rules designed to determine how many oil and gas drilling operations will have to stop depositing their wastewater into drinkable groundwater aquifers.

Officials with the state Department of Conservation disclosed in February that they had been approving injection of wastewater into federally protected aquifers for decades. Oil drillers were injecting wastewater from drilling operations into more than 2,500 wells that were near drinkable groundwater, violating the Safe Water Drinking Act (*EnergyWire*, March 11).

The agency's rules set deadlines for when well operators need to apply for exemptions from federal law in order to continue operating. By Oct. 15, oil companies will have to stop injecting into the cleanest aquifers, containing water with less than 3,000 parts per million dissolved solids, unless they are in an oil-producing zone or have received exemptions.

The rules also define the boundaries of 11 aquifers in Kern County at the southern end of the Central Valley that had been improperly classified as exempt from the safe drinking water law due to two conflicting state policies that dated back to 1982 and 1983. Wastewater injection into those aquifers must cease by the end of 2016 unless well operators receive exemptions from U.S. EPA.

Environmentalists reacted negatively to the regulations, saying the illegal injection wells should be shuttered immediately. The state has issued cease-and-desist orders to 35 of them so far, due to their proximity to potential drinking water supplies. Under the emergency regulations, the rest of the wells that are injecting into drinkable water -- containing 10,000 ppm dissolved solids or less -- have to stop operations by Feb. 15, 2017, unless they obtain an exemption from the state.

"Everyone agrees -- DOGGR admits, EPA admits -- these injections violate state and federal law," said Vera Pardee, a senior attorney with the Center for Biological Diversity. "This agency completely has it in its power to stop the illegal injections right now." She referenced the state's historic drought, which prompted Gov. Jerry Brown (D) earlier this week to order residents to cut their water use by 25 percent.

"It is incredible that while water is being cut back for the rest of us, we don't want to inconvenience the oil industry because they might have transaction costs if they have to stop injecting their toxic water into our water sources," Pardee said. She said CBD was "seriously considering" suing over the rules.

A bill, A.B. 356, introduced in the state Legislature this session by Assemblyman Das Williams (D) would give the State Water Resources Control Board the authority to monitor groundwater near oil and gas wastewater injection wells, in addition to current rules that provide for monitoring near wells that are being hydraulically fractured or otherwise stimulated. That bill is expected to be heard in committee by the end of the month, a spokeswoman said.

"I'm pleased the department is working with U.S. EPA to come into compliance with the Safe Drinking Water Act," Williams said in a statement. "However, I've been on record as saying this isn't enough and still believe there's more to be done. This means stopping all injections in wells that did not have proper aquifer exemptions until they are exempted by U.S. EPA."

The regulations will be filed with the state's Office of Administrative Law on April 9, officials said, and are due to take effect April 20.

Sent from my iPad